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Canada, Human Rights and Fundamental
" Freedoms, Special Joint Committee of
SESSION 1947-48
1947/48
Government
Publications



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SPECIAL JOINT COMMITTEE OF THE SENATE
AND THE HOUSE OF COMMONS

ON

HUMAN RIGHTS

AND

FUNDAMENTAL FREEDOMS

MINUTES OF PROCEEDINGS AND EVIDENCE

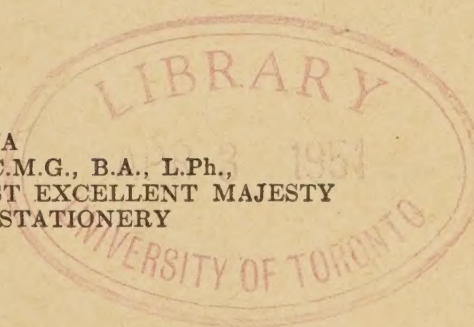
No. 8


THURSDAY, JUNE 10, 1948

WITNESS:

Mr. D. H. W. Henry, Counsel, Department of Justice, Ottawa.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948





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MINUTES OF PROCEEDINGS

THURSDAY, 10th June, 1948.

The Special Committee on Human Rights and Fundamental Freedoms met at 4.00 p.m. The Joint Chairman, Right Honourable J. L. Ilsley and Honourable Senator L. M. Gouin were present. Mr. Ilsley presided.

Also present:

The Senate: Honourable Senators Leger, Turgeon.

The House of Commons: Messrs. Fournier, Fulton, Hackett, Hansell, LaCroix, Marier, Marquis, Michaud, Rinfret, Whitman.

In Attendance: Mr. D. H. W. Henry, Counsel, Department of Justice, Ottawa, and Mr. R. D. Riddell, United Nations Division, Department of External Affairs, Ottawa.

The Committee resumed consideration of the Draft International Declaration on Human Rights referred to member governments of the United Nations.

Articles 23 to 33 were reviewed.

Mr. Henry was called. He made statements summarizing the comments of member governments and also reported on the work of the Drafting Committee, Commission on Human Rights, relative to the articles under review, and was questioned.

A suggested Draft International Declaration on Human Rights forwarded by the Chinese delegation to the United Nations was read.

The Committee went into executive session to consider procedure with regard to written representations.

During the course of the proceedings the following was read:

28th May, 1948.

DEAR SIR,—At a meeting, Thursday, 27th May, the steering committee of the Special Joint Committee of the Senate and the House of Commons on Human Rights and Fundamental Freedoms agreed to receive written representations in respect of its order of reference, a copy of which is enclosed.

Accordingly, you are invited to forward, on or before Monday, June 7, 1948, written representations on the subject-matter of the order of reference. Your submission will be read to the assembled committee and so provide an opportunity to discuss your views. If the committee should consider that some aspects of your submission require amplification, you may be invited to make supplementary oral representations on a subsequent date.

To provide for a prior distribution to members of the committee, it is requested that fifty copies of your brief be forwarded no later than the 7th June.

Yours very truly,

Clerk of the Committee of Human Rights.

The above letter was sent to the following:

The Canadian Jewish Congress, Montreal; The Canadian Daily Newspapers Association, Toronto; The Civil Rights Union, Toronto; The Committee for a Bill of Rights, Toronto; The representative of the Congregations of Jehovah's Witnesses in Canada; The representative of organizations representing the Chinese people in Canada.

The Committee adjourned at 6.00 o'clock p.m., to meet again this day at 8.30 o'clock p.m.

EVENING SESSION

The Committee resumed at 8.30 o'clock p.m. The Joint Chairman, Right Honourable J. L. Ilsley, presided.

Also present:

The Senate: Honourable Senators Leger, Turgeon.

The House of Commons: Messrs. Fulton, Hackett, Hansell, Marquis, Michaud, Rinfret, Whitman, Zaplitny.

The Committee went into executive session to consider procedure.

In open session.

The Committee considered written representations received from groups and organizations which had expressed a desire to place their views before the Committee.

The following which are not printed in the evidence were read to the assembled Committee:

- (a) Letter dated June 4, 1948, from the Committee for a Bill of Rights, Toronto;
- (b) Submission of Committee for a Bill of Rights in support of Statement for a Bill of Rights;
- (c) Letter dated June 6, 1948, from the Civil Rights Union, Toronto.
- (d) Brief dated June 4, 1948, submitted by the Civil Rights Union of Toronto;
- (e) Brief dated June 9, 1948, submitted by the Canadian Jewish Congress, Montreal.

The Committee adjourned at 10.10 o'clock p.m. to meet again at 4.00 o'clock p.m. Tuesday, 15th June.

J. G. DUBROY,
Clerk of the Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,
June 10, 1948.

The Special Joint Committee on Human Rights and Fundamental Freedoms met this day at 4.00 p.m. Hon. Mr. J. L. Ilsley, (Joint Chairman), presided.

The CHAIRMAN: We were on article 23 of the International Declaration on Human Rights the other day.

Mr. HACKETT: What made you stop?

The CHAIRMAN: We stopped due to the lapse of time.

Hon. Mr. GOUIN:

- "1. Everyone has the right to work.
2. The state has a duty to take such measures as may be within its power to ensure that all persons ordinarily resident in its territory have an opportunity for useful work.
3. The state is bound to take all necessary steps to prevent unemployment.

Mr. MARQUIS: I do not see what is the use of the second paragraph. The first and the last paragraph seem to include the meaning of the whole article. If the state is bound to take steps to prevent unemployment naturally it is its duty to take measures within its power to ensure that all persons have an opportunity for useful work.

The CHAIRMAN: I think perhaps Mr. Henry had better read the final draft of the drafting committee.

D. H. W. Henry, Advisory Counsel, Department of Justice, recalled:

The WITNESS: Mr. Chairman and gentlemen: The commission on Human Rights has adopted a final draft within the last day or two. It reads as follows:

Every one has the right to work and just and favourable conditions of work and pay, and to protection against unemployment.

Every one is entitled to receive equal pay for equal work.

Every one is free to form or join trade unions for the protection of his interests.

You will notice that really combines articles 23 and 24. Perhaps it would be proper if I merely drew to the attention of the committee the points which have been raised by governments in connection with these articles very briefly to indicate the train of thought. A question was raised as to whether articles in this declaration should mention duties of the state in view of the fact that the declaration is a declaration of rights of individuals.

The question of compulsory labour was brought up, and I may say that has now been resolved by the new draft of article 5 which has been adopted by the Human Rights Commission. That was the draft article which related to slavery. That article has been revised by the commission to read as follows:

No one shall be held in slavery or involuntary servitude.

That was designed to take care of the practice of compulsory labour.

A further point that was raised was that the declaration should not prohibit such measures as family allowances. Under the provision which says that there must be equal pay for equal work I think it was merely the intention of the governments concerned to make sure that it would be possible to make gratuitous payments to individuals in need.

A further point that was raised was whether or not the declaration might tend to exclude beneficial provisions relating to the working conditions of women in that the declaration seeks to put women on the same footing as men.

Mr. MARQUIS: May I ask a question? Would this clause prohibit dividends advocated by a certain political party?

Mr. HACKETT: You do not expect an answer to that, do you?

Mr. HANSELL: I will give the answer. The clause carried to its conclusion would certainly prevent dividends being paid. I am not going to pursue that angle but since the point has been brought up I would suggest that I do not like the term "work". I would rather have the term "useful employment." Work is a type of slavery.

Mr. HACKETT: A type of what?

Mr. HANSELL: Slavery.

Mr. HACKETT: What was said about the sweat of your brow?

Mr. HANSELL: I know what Mr. Hackett refers to. Everybody does not earn a living by the sweat of their brow. I do not think many members of parliament do. There is another point while we are on the article. I suppose it is in order to discuss it now?

The CHAIRMAN: Yes.

Mr. HANSELL: It is specifically mentioned one has the right to join a trade union for his protection which I believe is an admirable statement, but if you are going to carry fundamental freedom to its proper conclusion and give it its proper value then the same thing should be stated in reverse, that a man has the right to withdraw from a trade union without affecting his gainful employment. If he is forced to join a trade union before he can be employed then we are denying him a fundamental freedom. That is what it involves when we begin to discuss it in the light of some of our modern trade union movements. I am a trade union man. I have got to be because I represent trade unions, but when we are discussing fundamental freedoms that is another matter. I doubt whether the closed shop is giving people their optimum fundamental freedom. I make that as an observation.

The CHAIRMAN: Is there any further discussion along that line?

Mr. MICHAUD: I am inclined to take the same view, that a workman should be free to join or not join a trade union as he desires.

Mr. HANSELL: Without it interfering with his desire for gainful employment.

Mr. MARQUIS: How is the part relating to trade unions drafted?

By Mr. Michaud:

Q. Would you read the draft, please, as it concerns trade unions?—A. The part that concerns trade unions reads as follows:

Every one is free to form or join trade unions for the protection of his interests.

Mr. HANSELL: There is nothing stated there in respect to the freedoms of the one who does not want to join a trade union. It just says he has the right to join. It does not say he has the right to withdraw from it.

Mr. HACKETT: Or abstain.

Mr. HANSELL: Or abstain from joining and still work.

Mr. **MARIER**: That is a point. In some closed shops a man cannot work if he does not join the union.

The **CHAIRMAN**: Your comment is there is a certain evasiveness about this draft.

Mr. **HANSELL**: Yes, and it only presents one side of the picture in respect to freedom of employment.

Mr. **MARQUIS**: This draft implies the idea of being obliged to join a union, if there is a union, in order to secure employment.

Mr. **MICHAUD**: How does the so-called Rand formula fit into that? Just what is the gist of the Rand formula?

The **CHAIRMAN**: I do not know that there is anyone here who can answer that.

Mr. **HACKETT**: I will not.

The **CHAIRMAN**: The Rand formula was—

Mr. **MICHAUD**: For the Ford strike at Windsor.

Hon. Mr. **TURGEON**: You read the revised version of No. 5. Would you read it again, please?

Mr. **HACKETT**: Just a minute. Does the Rand formula mean that a person need not be a member of a trade union but he must pay the fees?

Mr. **MICHAUD**: That is my impression.

Mr. **WHITMAN**: That is the Rand formula.

Mr. **MICHAUD**: That is my impression. I am not positive about it. If that is the Rand formula it certainly is an interference with the freedom of an individual to abstain from joining a trade union.

Mr. **HACKETT**: One can see, if he wants to be fair, a distinction between being a member of an organization which would possibly impose definite restrictions on his conduct and one which would tax him for the upkeep of an enterprise with which he was not wholly in sympathy.

Hon. Mr. **LEGER**: In other words, he must pay for the benefits which he gets from the union.

Mr. **MICHAUD**: In his estimation it may not be a benefit. If he refuses to abstain he does not consider it a benefit.

Mr. **HACKETT**: I am not suggesting my observation is an answer to Mr. Hansell's query.

Mr. **HANSELL**: The whole tendency of the age seems to be to tie peoples' hands rather than to free them. That is the thing you have got to be careful of in writing a declaration of human rights, that the very document designed to give freedom ties the hands and takes freedom away from individuals.

Hon. Mr. **GOUIN**: As it reads it does not create an obligation to join a trade union. We find the obligation out of the text of the article in a practice which has now become rather general when we have that so-called security clause. It means to work in that shop, if it is a closed shop, you have to belong to the trade union, or if it is what we call merely a trade union shop you have to pay fees even if you are not a member of the trade union. However, when we have before us the text which has been submitted, and which was read a few minutes ago, we do not impose upon anybody the obligation to join a trade union. It is the right to join a trade union, and the proposition would be should we go further than that and have a clause protecting better than section 23 the right to work because under the interpretation we would give in olden times the right to work it was precisely the right to work independently without belonging to a trade union. However, things have moved a good deal since that time. Under the present circumstances I would rather suggest that we be satisfied merely with

stating in article 23 the right to work and in another paragraph of the same article, if I understand correctly the amendment which has been introduced in the so-called final draft, we would also recognize what we call the right to organize. I am under the impression that is about the best we can do just now. I want to repeat the right to work would be a question of interpretation. Everything in the present world seems to be in the process of evolution just now.

Mr. HACKETT: If there is anybody in the committee who does not need anybody to speak for him it is Mr. Hansell, but it seems to me his question is not answered by what you have said. As I understand his statement he says that we are erecting a structure of fundamental liberty. You have got a statement that people may form unions. He says that the counterpart of that—and it is a statement of a freedom just as much as the one that they may join for purposes of their own—is that they may abstain from joining for the same reason.

Mr. HANSELL: That is it, as a right to freedom without being penalized.

Mr. MARIER: Do you suggest a man would have the right to work without joining a union, without being forced to join a union?

Hon. Mr. GOUIN: I have tried to make myself clear, and I am very sorry that I have failed to do so. My suggestion was that it was not wise to go as far as stating the right not to belong to a trade union, and that the expression which I repeat, "every one has the right to work," in my own humble opinion should be interpreted as meaning precisely that everyone has the right to work independently without being obliged to join a trade union. That is what I tried to explain. That may not be a good thing at all, but I think it is pretty clear.

Mr. HACKETT: Whatever one may think about what you said, I do not think there is any doubt about everybody understanding it, but it seems to me that if we accepted your proposition then there is no reason to state that they should have the right to organize or the right to have a union because that would flow from the premise as you have stated it as the right to abstain flows from it, but if you are going to particularize and say because men are free they have the right to organize, then I think the counterpart of it is they have the right not to organize or they have the right to abstain from organizations for the same reason and for the same end.

Mr. MARQUIS: Mr. Chairman, following the argument made by Mr. Hackett, I think that when it is stated that everyone has the right to work, that includes collectively individual work and when the particularizing arises, it is pretty hard to particularize in one sense and not to particularize in the other. So when Mr. Hansell says we have the right to join a trade union, we should have the right to abstain from joining a trade union as well. But the general principle as stated in the first paragraph—I do not see why they should add to that.

Hon. Mr. TURGEON: I would like to put on the record a word of warning. I am afraid that those who are drafting this—

Mr. HANSELL: Whom do you mean?

Hon. Mr. TURGEON: The United Nations Council, because we are considering what they are sending to us—are drifting away from the principles underlying a declaration of human rights and coming down to a statement of political and economic policy. I am saying this more as a warning than as an objection because, if it is going to become a statement of policy, either economic or political jointly, it is going to meet with a great many objections that would not be aroused by a simple declaration of human rights.

We are set up, as a committee of parliament, to discuss the question of human rights and fundamental freedoms; but we are fast coming into a discussion of economic conditions and political rights for freedom rather than

the other. I had the thought in mind when I asked you kindly to re-read that revised section 5. I think it was section 5.

The WITNESS: Revised draft, section 5, reads as follows:

No one shall be held in slavery or involuntary servitude.

Mr. MARQUIS: What is the meaning of voluntary servitude?

Mr. HACKETT: Labour camps, matrimony.

The WITNESS: The word is "involuntary" servitude. I mentioned that because in discussing the articles which we are now discussing the point had been raised that they did not provide for compulsory labour.

Hon. Mr. TURGEON: Yes. I want to leave that warning with you.

The CHAIRMAN: I think that Senator Turgeon is right about that. I agree with him that probably this does not have a place in a declaration of rights. If it has a place—and I do not think it has—there are questions which arise for the consideration of governments, the kind of questions that come up before governments, such as whether the people have the right in one province to join any trade union that exists in Canada. That is the right which presents itself in the Prince Edward Island legislation and it is not necessary to say that the labour organization which presented the brief relied on this general statement that everyone has the right to join a trade union and organize, therefore they have the right to join our trade union.

What trade unions do people have the right to join? I do not know whether there were any trade unions in Germany under Hitler. I do know he dissolved certain trade unions, but he formed others. I think he said: there are your trade unions and you have the right to join them. Probably he said: you have got to join them.

Hon. Mr. GOUIN: When we merely formulate the principle to organize—if I understand correctly my own philosophy—we are confirming a natural right, the right to organize, just the principle. Now, we cannot have a whole labour code in this so-called declaration of rights. We have the right to work. We have the right to organize. I would say that in the exercise of that right, such a question, for instance, as closed shop—this declaration of rights is not the proper place to discuss it, because it is a very difficult problem and a very intricate problem, and because conditions are not the same all over the world. The right to organize is a personal right. I for one would feel exceedingly sorry if we were in favour of eliminating it from this draft. I think we must find a simple formula which tries to reconcile the different ideas of the members of this committee, a formula which confirms this fundamental right. There is no possible doubt about the right to organize; that it is a fundamental right.

Mr. MARQUIS: It is not a consequence of the right to work?

Hon. Mr. GOUIN: No, sir. That is not the way I understand it.

Mr. MARQUIS: If you have the right to work, then you can work individually or you can work collectively.

Hon. Mr. GOUIN: I do not want to be long.

Mr. MARQUIS: I just put the question to you because I know that you are an authority in this domain.

Hon. Mr. GOUIN: Oh, no. I am merely a man of good-will. I say that we are living in a society and we have the old definition that man is a social being living in society. We have to group together. We have the family first. Certain animals have lived independently, almost from the moment of their birth. But such is not the case with man.

So we say: you have the family and then you have a group of families and in the same way as you have a natural family, you have also the professional

family, and a certain number of men who happen to be farmers have the right to group together to form what I would call, so to speak, an agricultural family; and in the same way, carpenters may form a group which may become allied with what we might call the building trades; and that is generally considered as being the right to organize.

The right to work is not necessarily connected with the right to organize. You may have the right to work and you may be absolutely deprived of the right to organize.

After the revolution of 1789 with the *Loi Chapellier*, and similar revolutions all over Europe, when trade unions were outlawed, it took a long time, and it took almost a civil war in Great Britain with the Chartists, to come back to the recognition of what is in my statement, not only of philosophy but of theology, what is a natural right—not as essential as the natural right to marry and have children, but in a minor sense the right inherent to the human personality.

Now, when we come to the very very difficult question of the closed shop, there is so much trouble about it. But sincerely, I am not able to enter into any argument. I must say that we must try to establish a safeguard for the future; and the only process I can imagine—and I shall be terribly frank—is almost to dodge the issue for the time being. Not to pledge ourselves in favour of so-called security clauses, or the closed shop. At the same time not to formulate something which I am afraid is not acceptable to labour in Canada. I have no intention of speaking for them.

Hon. Mr. TURGEON: What you say about man's natural group instinct is perfectly correct, but the only objection I see to it is that we are getting away from a declaration of human rights and getting into the manner in which a country, through its government, shall develop its natural resources.

I would not be surprised if we had something saying that industry is entitled to tariff protection, or that people earning a living from industry are entitled to tariff protection, or that no country should have tariff protection, because we are getting into a political and economic declaration of policy rather than one of human rights.

To my mind the declaration of human rights is an important object; but it should confine itself to what generally is implied in human rights. This document is getting into every field of activity in which a state may become engaged deliberately or through pressure of circumstances. I am not objecting to anything you are saying about human rights or the group instinct of the mass or anything of that kind. I am simply saying that I am afraid that instead of this document which is drafted, we are going beyond what was their objective when they were established as a committee, which was to prepare a declaration of human rights. This is going much farther to my mind than a mere declaration of human rights.

The CHAIRMAN: Still, the right to organize is a fairly broad sort of right.

Hon. Mr. TURGEON: Yes, but we are going into other rights, equal rights, equal pay. Generally, human rights are different to that. A man has certain rights as the Associate Chairman says; a man or a woman have certain rights, but as the member for Stanstead said at a meeting some weeks ago, this document would try to enforce upon a so-called native population a system of government which requires generations to be reached properly. That is, roughly, what you said the other day when we were talking about the right to have an effective part in politics. What we are trying to state here would drive many nations out of the organization because they are not prepared to adopt some of the principles in it.

I do think that all the nations are prepared to adopt this as a basis of fundamental human rights. This is going farther. I am not referring now only to the section, I am thinking of the whole thing. I am particularly basing what

I say on what Mr. Hackett said the other day, about another section, not that which related to labour unions, or the right to work. It was another section entirely; the right to take part in politics.

Mr. MARQUIS: Is it not true that workmen are part of the machinery in industry and if we want to protect their individual freedoms, then they must have the right to organize in order to be protected? Because, today, industry is so developed that men, individually can do much for their own protection, and if they are organized, if they enter into a trade union, they have that right. As it is stated in the declaration of rights, they may be individually protected; and so they may go to a state of principle for the protection of the individual workers who will have the right to enter the union for their own protection.

Hon. Mr. GOUIN: That is the right to organize.

Mr. MARQUIS: Yes.

Hon. Mr. GOUIN: I am sure that in the mind of the member who has just spoken it does not mean that he is part of the machinery of industry. I am sure the member who has just spoken is conscious of the necessity of the individuality of the workman who still has, of course, his personality which is the most sacred thing which possibly exists.

Now, trade unions of course are an old, old thing. They go back to the tenth century when there flourished what were known as guilds. The trade union was there for the purpose of promoting common welfare, not only on behalf of the employers, but the employees as well. There was not the feud between capital and labour because capital did not exist.

It was purely and simply what we would call a family of industry. Through a certain number of years of apprenticeship and so on a worker might become not an employer, but rather a father of a small industrial family, and when the trade union came back into existence, coincident with the Industrial Revolution, at the beginning its purpose was precisely to protect the right of the individual who could not protect himself so long as he was isolated.

On one side you had just one man who had no reserves because he was not a capitalist, and on the other side, on the contrary, you had organized capital; so you had organized labour, and on that account, to put it quite frankly, at that moment you had many abuses committed by the trade union.

And at the moment they may tend to suppress the right of the individual, but it is purely and simply an abuse which is an indication of the object which justifies existence.

But if we come merely to the principle of the right to organize, it is confirmed now, I think, almost everywhere in the world. To what extent is it applied? Well, that is quite different; but when we want to see whether or not—and I am trying, for the sake of my good friend Senator Turgeon, to make the issue very clear—the right to organize is a natural right, that is what we should be dealing with.

I am perfectly in accord with Senator Turgeon in his declaration. We should be dealing with natural rights and not with the so-called political rights. The right to organize is a natural right; and as I have said, there are lots of other things which may be added after that, such as the rights of the working classes, which are not natural rights. I would go so far as to say that the right to vote by secret ballot is not a natural right at all.

Mr. MARIER: I was not present at the last meeting of the committee, but article 19 already provides for joining trade unions. You said that everyone has the right. I do not know whether that section was adopted as is, or modified; but if it was adopted as it is, then it is provided that everyone has the right to freedom of assembly and so on.

The CHAIRMAN: Yes, that is the right of organization.

Mr. **MARIER**: To join trade unions; so if it is already adopted I do not see why we should repeat this one.

Hon. Mr. **GOUIN**: There are many representations of this declaration and that is why in article 19 you have a reference to the trade unions, but it is in rather vague language; associations for the purpose of trade unions. I would never express myself that way. You already have there the right to organize. That is sufficient, I would say.

Mr. **MARIER**: If it has been adopted, as it has, I do not see why it is necessary to repeat it.

Mr. **MICHAUD**: I have a note to the effect that it was recommended by the commission for the purpose of interest, not inconsistent with this declaration, instead of in lines 4 and 5.

The **CHAIRMAN**: Mr. Henry might read what was officially adopted in respect of article 19.

The **WITNESS**: I have the draft forwarded by the committee to the Commission on Human Rights:

Everyone has the right to freedom of assembly and to participation in local, national, and international trade union organizations for the promotion, defence, and protection for purposes and interests not inconsistent with this declaration.

Mr. **MARQUIS**: Then what is the use of repeating it?

Hon. Mr. **GOUIN**: I am inclined to think it is sufficient.

The **CHAIRMAN**: Perhaps we had better pass on.

Mr. **HACKETT**: May I make this suggestion at this point? These questions are all very interesting, but any one of them would enable this group to debate with increasing interest for a very protracted period. I am only offering this suggestion as a *modus operandi*, but it seems to me that we cannot debate on these matters as fully as we would like, and possibly, if we read them and attempt to draft a caveat at the end—which has been the practice there—we might be making more progress than if we debated or attempted to find a common denominator for each section.

The **CHAIRMAN**: Yes. Well, I think perhaps there should be some comments on each as we go along, provided they do not take too long. Let us pass on to articles 24 and 25.

Mr. **HANSELL**: There is just one point. We have a lot said in respect to the duty of the state. I think that is uncalled for in a declaration of human rights and fundamental freedoms. We are not dealing with the duties of the state at all, and even though we were dealing with them I think it quite wrong to say that it is the duty of the state to furnish work or to see that the people go to work. There we enter into another economic phase which is subject to interpretation and subject to the progress of civilization. If you take that at its face value, you will be disregarding entirely the possibility of entering into—well, I should not say the possibility of entering into, because we have already entered into a power age, into a machine age, and a machine age puts men out of employment.

Now, that is fundamental. Then, if you carry that to the extreme, the duty of the state is to find employment. And there you are going absolutely opposite to the progress of civilization.

As an illustration—and I am not going to take up much time—here is a situation arising where, economically, a period of unemployment takes place nationally, and a depression is on. What are you going to do with the unemployed? Are you going to put them to work with picks and shovels? Are you going to do

that when huge machinery can do the same work just for the sake of conforming to what is stated here, the duty of the state is to furnish employment? You see how contradictory it is.

Personally, to my mind, I think it is silly. A simple statement that everyone has the right to employment, to gainful employment, would cover it all.

Hon. Mr. GOUIN: I think the remark is very very well founded. This is supposed to be a declaration of rights of the individual, not a declaration of the duties of the state. They have mixed together those two things which are altogether different, and we should do our very best, I think, to make it very clear that we want to try to formulate the natural rights, the rights of the individual. That is all.

The CHAIRMAN: Now gentlemen, may we take up articles 25 and 26? Article 24 was dealt with along with article 23, so we can now take articles 25 and 26. I will ask Mr. Henry to give us what the Commission on Human Rights finally decided to recommend. What did the Commission on Human Rights finally decide to recommend in lieu of articles 25 and 26?

The WITNESS: The Commission has not found a final draft of these articles as yet; but it has referred the two provisions to the drafting committee to prepare a draft and that was just done yesterday and the result has not been had. The nearest thing to a draft which we have, apart from that which is before you, is a proposal which reads as follows:

Everyone has the right to a standard of living adequate for health and well being, including security in the event of unemployment, disability, old age or other lack of livelihood in circumstances beyond his control.

Mr. HACKETT: That, again, is a statement of political economy, not human rights.

Mr. MARIER: They do not mention any duty of the state in that case.

The WITNESS: The question of the duty of the state was again brought up. Most of this one refers to economic policy.

Mr. MARIER: If we start with the duties of the state, we must start with the duty of the individual towards the state.

Hon. Mr. GOUIN: There would be no end to that procedure, we should stick to the rights, and that is all. If you formulate the right of social security, it is surely sufficient and we should not go away beyond that.

The CHAIRMAN: Are there any further comments on article 25 and article 26? If not let us take up article 27. What does the Commission on Human Rights say as to article 27?

The WITNESS: The Commission has not reached this article as yet, but the committee has before it article 27 as it now stands, and there are one or two comments on that to which I might refer, as a matter of interest. It has been suggested there may be difficulties as to what extent education is to be considered a right and the distinction may be drawn in this connection between fundamental education and an education which is other than fundamental. The second point which has been raised is whether it is within the scope of the declaration to say that education should be free and compulsory.

There is a shorter draft of this article which was proposed by the United States and it might be of interest to the committee to hear it. It reads as follows: "Every one is entitled to the right to free fundamental education and to equal access on the basis of merit to higher education."

Hon. Mr. GOUIN: If you will allow me to refer to exhibit 18 of the declaration on page 24, concerning precisely article 27, we have there a very interesting

suggestion from the Philippines. They wanted to add the following paragraph: "The right of private education will be respected, and in such places or countries as desire it, religious education shall be permitted in the schools."

I do not intend to enter into a debate, but I merely wanted to call the attention of the members of this committee to this question which is an exceedingly important one and which, in my opinion, is even vital. There would be no end if we were to discuss the aspects of the problem.

Mr. HACKETT: I do not want to go into that, but Senator Gouin probably knows there was a decision of the Supreme Court of the United States rendered the other day which said that that right does not exist and that it was unconstitutional; and in Idaho—I think it was—the right was denied where it had been exercised by common consent of all the people.

The CHAIRMAN: The draft as adopted or as suggested by the Commission on Human Rights would seem to indicate that some provision must be made for the costs of higher education for those who cannot afford it—is that correct?—provided they have equal merit with those who can afford it. Is that the meaning?

The WITNESS: That seems to be the suggestion, sir.

Mr. FULTON: Unless we adopt something along the lines that Senator Gouin directed to our attention to authorize the right private education it seems to me we are getting to the position which Mr. Hackett has called to our attention in the United States, where everybody can be compelled to have exactly the same education. If we say that education is compulsory then you have to protect the rights of private education.

The CHAIRMAN: Perhaps it means that. I doubt it. I would not mean that everybody will be compelled to get education that way. If they get education privately they are getting education. To guarantee compulsory education is merely an assurance that you have no illiterates.

Mr. HANSELL: The language is very confusing and contradictory. How can you talk of compulsion and freedom at the same time? I do not see how you can do it.

Hon. Mr. GOUIN: Quite right. Take the first sentence, "Every one has the right to education," and after that we get into the question of the duties of the state again.

Mr. HANSELL: When you compel people to do things you are taking away their freedom. I believe in compulsory education; but it does not coincide with a bill of fundamental rights.

The CHAIRMAN: You should compel respect for freedom, should you not?

Mr. HANSELL: I do not know whether you should. You cannot compel respect, because respect is a principle.

The CHAIRMAN: I think we have the views of the committee on article 27. Now, let us take article 28. This goes into the specification of education and says:

Education will be directed to the full physical intellectual, moral and spiritual development of the human personality, to the strengthening of respect for human rights and fundamental freedoms and to the combating of the spirit of intolerance and hatred against other nations or racial or religious groups everywhere.

Mr. MARQUIS: This is not a general principle; this is the means of applying principles; and these principles should be accepted in each country and every country. As it is stated in 27 and 28 it is not acceptable in Canada because education is under the jurisdiction of the provinces. If it is as stated in this declaration it would be of no use for our country and I suppose the same thing applies in other countries too.

Mr. MICHAUD: I cannot see what it adds to the previous article.

The CHAIRMAN: I think, perhaps, the general view is that this has no place in a declaration of human rights. This is a description of what kind of education the framers of the document thought people ought to be compelled to receive.

Hon. Mr. GOUIN: I do not think it is the proper place for it.

The CHAIRMAN: Let us take article 29.

1. Every one has the right to rest and leisure.

2. Rest and leisure should be ensured to every one by laws or contracts providing in particular for reasonable limitations on working hours and for periodic vacations with pay.

Now we are getting some place.

Mr. WHITMAN: How often do they get vacations?

The CHAIRMAN: They should be frequent and they should be long.

The WITNESS: Mr. Chairman, there are no comments from the United Nations on this article.

Hon. Mr. GOUIN: Nobody has suggested compulsory vacations. For myself I would be in favour of them.

The WITNESS: The only governmental comment which I think is worth while drawing to the attention of the committee is that paragraph 2 of the article be omitted; that paragraph 1 is sufficient by itself.

Mr. HANSELL: I think so.

Mr. MICHAUD: I cannot see what paragraph 1 adds to article 5; There shall be no compulsory labour and no involuntary servitude. Does it not follow from article 5?

Hon. Mr. GOUIN: It is important to have an article concerning rest. Take Sunday services; they are in a certain sense connected with the matter of rest. The right to rest is a natural right, and paragraph 2 in my humble opinion should be omitted; it is not in the proper place. I am in favour of the idea.

Mr. MARQUIS: This is a matter of internal economy; it is not a matter of an international declaration of rights.

Mr. MICHAUD: If there is to be no slavery or compulsory labour it follows that the right to rest and have leisure follows.

Mr. MARQUIS: What about those islands in the Pacific where they do not work at all? They rest all day because it is too hot to work. You should have no declaration of rights.

The CHAIRMAN: All you can say is that they do not need this article there. I think we can say that paragraph 2, while popular, is misplaced in the opinion of the committee. What about article 30?

Mr. HACKETT: Paragraph 1, I suppose, is just a reiteration that there should be no slavery.

The CHAIRMAN: I think it goes further than that.

Hon. Mr. GOUIN: Yes, it goes further than that. You may not be a slave and yet you may not have a vacation. I did not have one for twenty years and I was not a slave.

The CHAIRMAN: Let us go on to article 30 now:

Every one has the right to participate in the cultural life of the community, to enjoy the arts and to share in the benefits that result from scientific discoveries.

Has that been altered?

The WITNESS: No, sir, there are no comments from the United Nations on that. The only comment of a government worth quoting is that it has been sug-

gested that the words "without detriment to literary, scientific and artistic or property rights" should be added.

Mr. WHITMAN: Do scientific discoveries include the atomic bomb?

The CHAIRMAN: Article 31 seems to be absent.

Hon. Mr. GOUIN: I think you can forget completely about article 31.

The CHAIRMAN: Mr. Henry tells me they have had some discussion about it. Could you tell us how that stands?

The WITNESS: The situation as to article 31 is that there are two drafts which are yet to be considered. The drafting committee did not reach article 31 and the Commission on Human Rights has not reached article 31. The original draft prepared by the drafting committee, previous to the recent discussions, is before you as the first text on page 47 of document 37; and the second text also on that page was proposed by the sub-commission on the prevention of discrimination, and protection of minorities which went more fully into the question. Now, the comments which have been received raised these points: should the provisions of this article apply only to nationals of the states concerned and not to foreigners; secondly, should the provisions not apply to groups formed by immigration of persons into an existing state? That is something along the lines of the first suggestion.

And the third point, which I think it worth while to draw to your attention is this. Some of these comments may be found on page 47 of document 37—I am merely paraphrasing them. There are some comments which were made by Great Britain upon the whole principle—no, that is not right. There is a third point which I wish to draw to your attention and that is: should not minority rights as such be left out of the declaration and dealt with in the convention on minorities. If all men are to be given equal treatment it is suggested by one government the problem of minorities should disappear entirely.

The CHAIRMAN: This subject-matter is very important and very difficult and very hard to cover by a general principle. I refer to the rights of minorities.

Mr. RINFRET: Is not this contrary to section 133 of the British North America Act? It deals with the use of the French language in the federal departments and in the province of Quebec. We would have to amend our British North America Act if we are to adopt this.

The CHAIRMAN: I do not know which one you are speaking of.

Mr. RINFRET: I am speaking of article 31, generally.

Mr. MICHAUD: Section 133 of the British North America Act does not purport to set out fully the linguistic rights in Canada.

Mr. RINFRET: We would have to amend section 133 of the British North America Act if we want to follow this.

Mr. FULTON: What does section 133 provide?

Mr. RINFRET: It provides that the French language will be an official language in the federal administration and in the province of Quebec and before the federal courts.

Hon. Mr. TURGEON: That the French language shall be official only in those.

Mr. MICHAUD: Shall be official there.

The CHAIRMAN: The language is that:

Either the English or the French language may be used by any person in the debates of the houses of the parliament of Canada and of the houses of the legislature of Quebec; and both those languages shall be used in the respective records and journals of those houses; and either of those languages may be used by any person or in any pleading or

process in or issuing from any court of Canada established under this Act, and in or from all or any of the courts of Quebec.

The Acts of the parliament of Canada and of the legislature of Quebec shall be printed and published in both these languages.

It does not contain any prohibitions; it contains certain guarantees, that is all.

Mr. FULTON: There is nothing inconsistent.

The CHAIRMAN: It would be perfectly legal for the proper legislative authority to provide that those privileges or rights should be extended to other provinces, I should think.

Hon. Mr. GOUIN: In Manitoba, for instance, they had both languages, and then they abolished the French language in the legislature.

The CHAIRMAN: All I can see is that the proper legislative authority is only bound in these cases; but the proper legislative authority is free in all other cases.

Hon. Mr. GOUIN: Mr. Chairman, I think that the first paragraph, which we find on page 19, in my opinion seems to be quite reasonable and it might be just as well, perhaps, if you read it so that everybody could offer comments.

The CHAIRMAN: Perhaps you would read it.

HON. MR. GOUIN:

In states inhabited by a substantial number of persons of a race, language or religion other than those of the majority of the population, persons belonging to such ethnic, linguistic or religious minorities shall have the right, as far as compatible with public order, to establish and maintain schools and cultural or religious institutions, and to use their own language in the press, in public assembly and before the courts and other authorities of the state.

Hon. Mr. TURGEON: Who will determine what is compatible with public order?

The CHAIRMAN: Who will define "substantial"? There may be some very small ethnic, linguistic or religious minorities. In fact there are.

Mr. FULTON: Surely in our courts if a witness cannot speak English he gives evidence in whatever language he speaks and they have an interpreter. There is nothing inconsistent there. There is nothing to prevent a religious, racial or any group in Canada from maintaining their own language newspaper, as far as I know.

The CHAIRMAN: No, but I do not think there is any guarantee that they will always have the right to do so.

Mr. MICHAUD: As far as I know there is no legal text which guarantees either the right of the English speaking people of Quebec to the teaching of their language in their public schools, or the teaching of French in the other schools. I do not believe there is any text of any sort to protect those rights.

The CHAIRMAN: There is a section about religion.

Hon. Mr. GOUIN: I thought there was a section about language for the English speaking minority.

Mr. MICHAUD: It is considered a natural right and respected.

Mr. MARIER: In the school law there are clauses and provisions.

Mr. MICHAUD: There is nothing in the B.N.A. Act.

The CHAIRMAN: The B.N.A. Act refers to the rights of religious groups, not to racial groups in respect to education.

Hon. Mr. TURGEON: The two provinces that had those rights before Confederation.

The CHAIRMAN: Those two preferences in the British North America Act, one to certain language rights and the other to certain religious rights in respect to education, are generally cited as the only two constitutional provisions respecting civil rights of people in the Dominion of Canada. They are the only two constitutional ones I know of. That is correct, is it not?

Mr. HACKETT: That is my understanding.

The CHAIRMAN: There the Dominion of Canada has not complete freedom. Legislative bodies are bound by those.

Mr. MICHAUD: It does not purport to cover the whole field?

The CHAIRMAN: Oh, no, but the rest of it is left to the proper legislative authorities in Canada. In respect to those two matters the British North America Act ties the hands of the dominion or the province as the case may be.

Mr. MICHAUD: And a minimum of guarantees.

The CHAIRMAN: Yes.

Mr. HANSELL: Apart from religion and language does this not cut into the autonomy of the provinces in respect to schools?

The CHAIRMAN: Oh, yes, it would. Let us take article 32 now.

Mr. HANSELL: There is just one other point by way of observation in the matter of having the right to maintain schools and cultural and religious institutions. Does any group of people have a right to organize a school of atheism? I ask the question by way of observation. There is something in the Criminal Code respecting that, is there not?

The CHAIRMAN: I do not think so. There are provisions against blasphemous libels, but they are libels. I do not know of anything that prevents one person from trying to convert another person to atheism.

Mr. HANSELL: I think when you get that far you are departing from freedom and going into license.

Mr. HACKETT: Yes, and then, of course, that assumes again for the person who may not be a Christian, what is truth?

Mr. FULTON: Is atheism a religion? It would not be defined as a religious school, would it?

Mr. HANSELL: It might easily be defined as a cultural school.

Mr. HACKETT: It assumes a definition of truth.

The CHAIRMAN: Is Mr. Hansell asking what would be the case if we adopted this draft?

Mr. HANSELL: I put it in question form but it was an observation.

The CHAIRMAN: You are just asking what the law is now in Canada.

Mr. HANSELL: I added that. I thought there was something in the Criminal Code but you reminded me it was a matter of blasphemy. I cannot help feeling in the back of my mind—perhaps it is intuition more than it is reason; I do not know, and you may say it is visionary or imaginative, if you like—that contrary forces to our way of life and civilization are behind this document. I have started a lot there. If you were to ask me to get up and prove it step by step and step by step of course I could not do it, but the proof may come a hundred or two hundred years from now.

Mr. HACKETT: But civilization would have to be defined and there are many and they are at points contradictory.

Mr. FULTON: Mr. Hansell said our way of life and our civilization.

Mr. HANSELL: What we regard as our Christian Canadian democratic civilization. A few adjectives might help.

The CHAIRMAN: Perhaps we had better pass on to article 32. Has article 32 been altered?

The WITNESS: No, there are no comments.

The CHAIRMAN: There are no comments on this. Would the members of the committee like to make any comments on article 32?

Hon. Mr. GOUIN: It is worth while reading.

All laws in any state shall be in conformity with the purposes and principles of the United Nations as embodied in the charter, in so far as they deal with human rights.

Mr. MARQUIS: So the declaration will be binding. When we began our study of the declaration it was said it was only a declaration of principles. This says that all laws shall be in conformity, so we will have to amend the law.

Mr. MICHAUD: We are imposing a duty on the state there.

Mr. MARQUIS: We will have to amend our laws in order that they may be in conformity with this declaration.

Mr. FULTON: Does this not refer to the charter of the United Nations rather than the charter of any document on human rights?

Hon. Mr. GOUIN: It refers to the charter—

Mr. MARQUIS: In so far as they deal with human rights, and we are dealing with human rights now and this is the declaration. Therefore I feel that if we adopted the declaration we should be morally bound to amend our law in such a way that it will be in accordance with that declaration.

Mr. MICHAUD: I think that statement is correct.

The CHAIRMAN: I think so too.

Hon. Mr. GOUIN: But we can keep that in suspense until we meet to prepare our recommendations. It is one of the most important articles.

Mr. MARQUIS: Perhaps the committee will not be of the opinion that it should adopt the declaration. I will not presume what the decision will be.

The CHAIRMAN: Mr. Henry points out that a moral obligation would exist whether or not this article were here.

Mr. MARQUIS: Yes. It may be interpreted in a very broad sense according to our mentality, but if we adopt the articles as they are stated and if we amend the law in conformity with those articles it will go very far.

Hon. Mr. GOUIN: In Canada we have a distinction between our dominion parliament and our various legislatures, and even if we want to act in accordance with it we cannot.

Mr. MARQUIS: Anybody will have the right to rise in the House of Commons and move an amendment to such and such a statute in order that it may be in conformity with this declaration.

The CHAIRMAN: Undoubtedly.

Mr. MARQUIS: If we have adopted these principles I do not know what we will do.

The CHAIRMAN: Undoubtedly. That is the very purpose of the declaration, that these principles will be quoted as reasons for passing laws or repealing laws or amending laws.

Mr. MARQUIS: It would be better to give many more days to private members at that time.

Mr. HACKETT: I think it was stated in the press one of the determining factors in the recent election in South Africa was the adherence of the government to principles which included statements not unlike these.

The CHAIRMAN: Yes. I do not know if that is correct or not.

Mr. HACKETT: I do not either.

The CHAIRMAN: But I suspect it was correct.

Hon. Mr. GOUIN: I think we might go on to article 33 which reads as follows:

Nothing in this declaration shall be considered to recognize the right of any state or person to engage in any activity aimed at the destruction of any of the rights and freedoms prescribed herein.

Have we any comments on that, Mr. Henry?

The WITNESS: There are no comments from the United Nations but there have been two comments which governments have made which I think are worth while drawing to the attention of the committee. First of all it has been said that possibly the declaration should be stated in its text not to be exhaustive but merely to be exemplary. Secondly a possibly quite valid objection has been taken by the United Kingdom to having an article of this type applicable to the whole declaration. As an example it is stated that perhaps it might be desired to limit freedom of expression, freedom of association, to matters which did not have as their object the destruction of the fundamental rights and freedoms which the declaration is attempting to encourage, but if that is the object then a provision should be placed in these articles because if it is made applicable to the declaration as a whole there is a possibility that it might provide encouragement to invade such rights as the right to a fair trial and the others that are found in sections 5 to 9 of the present declaration. That is merely a comment that has been made. Whether or not it strikes members of the committee as having much force I do not know.

By Hon. Mr. Turgeon:

Q. Are all the five great powers members of this commission on human rights?—A. Yes, they are, sir.

Q. Have all five of them made comments on these various articles?

Hon. Mr. GOUIN: Not on the last one.

By Hon. Mr. Turgeon:

Q. On the various articles?—A. In one way or another they have. Some have not made comments but have produced a redraft of the article. Others have produced comments such as ours found in document 37, but I think I am right in saying they have all taken some part in attempting to solve the difficulties of this draft.

By Mr. Hackett:

Q. By restatement?—A. Either by restatement or by comment or by both.

Q. Or by elimination?—A. Or by elimination.

By Hon. Mr. Gouin:

Q. Was there any formal comment received from the U.S.S.R.?—A. I do not think they have made a submission in writing, but their delegate is on the drafting committee and is also a member of the Human Rights commission, and he has made a great number of comments.

By Hon. Mr. Turgeon:

Q. Have you a memorandum of those comments that were not made in writing?

The CHAIRMAN: You will remember what is on page 21 in the middle of the first column.

The representative of the Union of Soviet Socialist Republics felt that the draft declaration on human rights, as prepared by the commission is not sufficient for the protection of the essential human rights. Consequently, he reserved his right to present, at a later state of the work, a Soviet draft declaration on human rights.

That is on page 21, paragraph 9.

Hon. Mr. GOUIN: At an earlier meeting of the committee I said that personally I would be exceedingly anxious to be made acquainted with any such submission if it were made by the U.S.S.R.

By the Chairman:

Q. It has not been received?—A. No, sir. We have not a comprehensive submission but the Soviet representative made a fairly lengthy address at the opening of the Human Rights commission in which he criticized the draft which had been prepared by the drafting committee. I could give you a short summary of that if you desire it.

Hon. Mr. GOUIN: I think it would be interesting to have it either now, or to have it in writing, if you prefer.

The CHAIRMAN: Now, I expect that the committee, if it makes a recommendation in respect to this declaration of human rights, will likely suggest that this declaration be greatly shortened and simplified; and leaving out reference to duties of the state and so on. That is what I gather from the discussion that has taken place here, and I think it might be helpful if Mr. Henry put on the record now a declaration of human rights which has received much praise; and that is the one which is submitted by the Chinese.

The WITNESS: That is document No. 43, sir.

Hon. Mr. GOUIN: It is very short, it is just one page.

The CHAIRMAN: I think it had better be read; it is very short. I feel it more nearly meets the sentiments of this committee than the one we have been discussing.

The WITNESS: It is a draft which was submitted by the Chinese delegation and it reads as follows:

Article I

Every person has the right to life.

Article II

Every person has the right to freedom of conscience and belief, to freedom of assembly and of association, and to freedom of information, speech and expression.

Article III

Every person has the right to a decent living; to work and leisure, to health, education, economic and social security.

Article IV

Every person has the right to take part in the affairs of his government directly or through his representatives.

Article V

Every person has the right to equal protection under law.

Article VI

Every person has the right to seek asylum from persecution.

Article VII

No person shall be subjected to unreasonable interference with his privacy, family, home, correspondence or reputation.

Article VIII

No person shall be subjected to arbitrary arrest or detention.

Article IX

No person shall be held in slavery or involuntary servitude or be subjected to torture or to cruel or inhuman punishment or indignity.

Article X

Every person is entitled to the human rights and fundamental freedoms set forth in this declaration without distinction as to race, sex, language or religion. The exercise of these rights requires recognition of the rights of the others and the just requirements of the community in which he resides.

Mr. MARQUIS: That is better than the other one.

The CHAIRMAN: That is a remarkable declaration, the more you think of it.

Hon. Mr. GOUIN: Yes, and it gives both the substance and the essential principles, yet it sticks to natural rights.

Hon. Mr. TURGEON: And that is by the Chinese in Canada?

Hon. Mr. GOUIN: Oh, no, no, the Chinese government.

The CHAIRMAN: Would you like to hear what the Soviet Union said about the declaration?

Hon. Mr. GOUIN: I think it would be important to have it.

The CHAIRMAN: Let us see what the Soviet Union said about the declaration.

The WITNESS: The Soviet representation is from Mr. Pavlov, who was a member of the drafting committee which prepared the revision of the draft which is now before the committee; and when the draft in this revision was sent a week or two ago from the drafting committee to the Human Rights Commission of the United Nations, these general comments as taken from a United Nations' press release were made: It was the view of the Soviet delegation that the declaration should contain three basic requirements:

1. It should guarantee respect for human rights and fundamental freedoms for all without distinction as to race, nationality, class, religion, language or sex, in accordance with the principle of democracy, state sovereignty and the political independence of states.

2. The declaration should not only proclaim rights but guarantee their realization, regard being had to the peculiarities of each country.

3. The declaration must not only define the rights, but also the obligations of citizens towards their country, their people and their state.

The declaration, he said, should not be purely a pious statement of rights as some delegates have proposed.

The U.K. delegate, Mr. Pavlov continued, had proposed that the realization of these rights should be promoted through teaching and education. This program, he said, should not be limited to youths and students.

To illustrate the range of rights to be laid down in the declaration according to the view of the Soviet Union, Mr. Pavlov said that, for example, as far as the right to property was concerned, protection should be sought for both private

and individual property as well as for group or state property in the socialist co-operative sense. He suggested that the commission might either limit itself to use the term "right to property" in a general sense, leaving its interpretation to sovereign states according to their national economic systems or else, if the commission decided to specify the concept of property, it should list not only the right to "private" property but also the rights to property as understood and exercised under different economic systems.

On the right to work, Mr. Pavlov said, that his delegation views this provision as one which will guarantee the elimination of economic crisis and unemployment and lead to the growth of production. The rising generation in the Soviet Union, he said, does not know what unemployment means.

He said it would be impossible for him to demand of the United States that unemployment there be eliminated since the system in the United States would not permit that.

As a step towards solution of the problem of unemployment, Mr. Pavlov asked for the inclusion of concrete measures for its elimination.

Another point which Mr. Pavlov has made fairly consistently throughout the discussion is that the declaration should provide for the prohibition of Fascism. He said that in his view the concept of Fascism required no more legal definition than that of democracy, and he pointed to the frequent use of the word "democratic" in the draft.

He said, that his delegation believed that the basic shortcomings of both the draft declaration and the draft covenant of human rights lay in their lack of any condemnation of Fascism.

Hon. Mr. TURGEON: Lay in what?

The WITNESS: Lay in their lack of any condemnation of Fascism.

With respect to racial discrimination, Mr. Pavlov said that he considered the present provisions were too weak and open for arbitrary interpretation; and that the Soviet delegation believed that the bill of human rights should expressly condemn all incitement to and propaganda for discrimination.

Discussing the status of negroes in the United States, Indians in South Africa and other racial minorities, Mr. Pavlov cited a number of examples of what he described as flagrant discrimination. In the Soviet Union, he said, such acts of discrimination were punishable by law.

With respect to the right to education, Mr. Pavlov said, its implementation was guaranteed in the Soviet Union. In the United States, on the other hand, he said, there were millions of Americans who were either illiterate or had received so poor an education that they became easy victims to propaganda.

With respect to the work as a whole carried out by the drafting committee, Mr. Pavlov said that very little improvement had been made on the Geneva text. That is the one which is just before you.

Hon. Mr. GOUIN: Document No. 18.

The WITNESS: He said that in some cases the committee had actually moved backwards.

He then drew attention to a number of Soviet proposals which had been rejected by the drafting committee and he contended that the Committee had, in fact, done nothing but add limitations to the rights proclaimed by the commission at its previous session.

That concludes the material which I have given as the basis or substance of Mr. Pavlov's remarks.

(The committee went into executive session.)

The committee resumed at 8.30 p.m.

The CHAIRMAN: The question has been raised as to whether we are still continuing the examination of the international declaration on human rights. My understanding of the situation is that we have concluded that apart from what we may wish to say later in any recommendation that is made by the committee, and that we are now about to consider the representations that have been made to the committee with respect to a bill of rights for Canada.

Hon. Mr. TURGEON: That is what I understood this afternoon before I left. I had to leave before you were finished.

The CHAIRMAN: At a later date we will have to consider what the committee feels it can say with respect to the International Declaration on Human Rights, but it was understood some weeks ago that we would merely get the comments of the committee and then pass on to another part of the inquiry without undertaking to pass any sections, amend any sections or take any action in respect of language. If that is satisfactory I suggest we go on tonight by placing before the committee these representations that have been made.

(The committee went into executive session.)